

Upon consideration of the Parties' Joint Status Report and Joint Motion to Lift Stay and Remand, the supporting memorandum of law, and the entire record herein, it is hereby **ORDERED** that the motion is **GRANTED**.

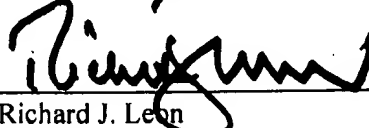
It is further **ORDERED** that this matter is **REMANDED** to the United States Patent and Trademark Office (“USPTO”) for recalculation and adjustment of the disputed patent term in accordance with the decision of the United States Court of Appeals for the Federal Circuit in Wyeth v. Kappos, 591 F.3d 1364 (Fed. Cir. 2010), and consistent with the USPTO’s published interim procedure for such calculations;

<sup>1</sup> Hon. David J. Kappos is automatically substituted for former Under Secretary and Director Hon. Jon W. Dudas. See Fed. R. Civ. P. 25(d).

It is further **ORDERED** that the Court shall retain jurisdiction over this matter. The case shall be administratively closed pending further order of the Court.

It is further **ORDERED** that the USPTO shall file a notice with the Court within 14 days after the recalculation under Wyeth and plaintiff may move this Court to re-open these proceedings within thirty (30) days after the filing of the notice if any outstanding issues remain in the lawsuit.

It is **SO ORDERED** this 18<sup>th</sup> day of May, 2010.

  
Richard J. Leon  
United States District Judge